

REGULAR MEETING MINUTES

CITY COMMISSION

July 10, 2003

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Pro Tem Rees at 6:30 p.m. in City Hall Commission Chambers. The invocation and Pledge of Allegiance were given.

Present: Mayor Pro Tem John Rees, Commissioners Theo Graham, Mildred Dixon (arrived at 6:31 p.m.), and John Harriman, City Attorney Dykes Everett, City Clerk Kathy Montoya, Assistant to the City Manager Marshall Robertson, Finance Director Mike Bollhoefer, Planning Director Mark Cechman, Fire Chief John Williamson, Utilities Director Charlie Tinch, Police Chief Jimmie Yawn, Recreation Director Larry Caskey, and Michael Laval of the West Orange Times

Absent: Mayor Jack Quesinberry

1. APPROVAL OF MINUTES

- A. Regular Meeting Minutes of June 26, 2003. **Motion by Commissioner Graham to approve the minutes as corrected by the City Clerk. Seconded by Commissioner Harriman and carried unanimously 3-0.**

2. PRESENTATIONS OF EMPLOYEE SERVICE AWARDS

Mayor Pro Tem Rees distributed the following service awards:

Cynthia Rudd	20 years
Charles Robinson	20 years
Mark Lamprey (retired)	25 years

Also recognized, but not present were:

William Goodwin (retired)	30 years
Lana Dees	20 years
Felix Hoffman	25 years

Commissioner Dixon arrived at 6:31 p.m.

3. **FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

A. **Ordinance 03-25: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; VACATING A DRAINAGE EASEMENT LOCATED SOUTH OF WARRIOR ROAD AND WEST OF CEMETERY ROAD; PROVIDING FOR AN EFFECTIVE DATE**

City Attorney Everett read Ordinance 03-25 by title only. Commissioner Graham asked if the proposed Ordinance was to vacate the easement or the road. City Manager Holden stated that the County gave the easement to the City, which allowed the City to install a drainage pipe, and now staff is recommending that the easement be vacated in favor of the developer since the project has been completed. Assistant to the City Manager Robertson stated that the County had the easement as fee simple and under their charter, they could not deed it to an individual but could deed it to the City, which they did. **Motion by Commissioner Harriman to approve Ordinance 03-25 and to schedule the second reading and public hearing for July 24, 2003. Seconded by Commissioner Dixon and carried unanimously 4-0.**

B. **Ordinance 03-26: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 110-122 (e) OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO EXPIRATION DATES FOR PRELIMINARY PLATS; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE**

City Attorney Everett read Ordinance 03-26 by title only. **Motion by Commissioner Harriman to approve Ordinance 03-26 and to schedule the second reading and public hearing for July 24, 2003. Seconded by Commissioner Graham and the motion carried unanimously 4-0.**

C. **Ordinance 03-27: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, GRANTING AN ADDITIONAL HOMESTEAD EXEMPTION FOR PERSONS AGE 65 OR OLDER; ALLOWING FOR AN ANNUAL ADJUSTMENT TO THE HOUSEHOLD INCOME LIMITATION BEGINNING JANUARY 1, 2004; STATING THE APPLICABILITY OF THE ADDITIONAL HOMESTEAD EXEMPTION TO TAX LEVIES OF DEPENDENT SPECIAL DISTRICTS AND MUNICIPAL SERVICE TAXING UNITS WITHIN THE CITY LIMITS; REQUIRING A SWORN STATEMENT OF HOUSEHOLD INCOME; PROVIDING SUCH OTHER CONDITIONS SET FORTH HEREIN; DEMANDING THE ORDINANCE BE DELIVERED TO PROPERTY APPRAISER**

BEFORE DECEMBER 1, 2003 AND REQUIRING NOTICE TO THE PROPERTY APPRAISER IN THE EVENT THE ORDINANCE IS REPEALED; PROVIDING FOR SEVERABILITY; CODIFICATION AND AN EFFECTIVE DATE

City Attorney Everett read Ordinance 03-27 by title only. **Motion by Commissioner Graham to approve Ordinance 03-27 and to schedule the second reading and public hearing for August 14, 2003. Seconded by Commissioner Dixon and the motion carried unanimously 4-0.**

4. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

- A. **Ordinance 03-10: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING DIVISION 6 OF CHAPTER 118 OF THE CODE OF ORDINANCES, CITY OF WINTER GARDEN, FLORIDA; PERTAINING TO THE ESTABLISHMENT, STANDARDS, OPERATION AND MAINTENANCE OF RECREATIONAL VEHICLE PARKS; PROVIDING FOR DEFINITIONS; PROVIDING FOR SPECIAL EXCEPTION; PROVIDING FOR IMPACT FEE AND BUILDING PERMITS; PROVIDING FOR NONCONFORMING RECREATIONAL VEHICLE PARKS; PROVIDING FOR CONVERSION OF RECREATIONAL VEHICLE LOTS; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND CODIFICATION**

City Attorney Everett read Ordinance 03-10 by title only. Mayor Pro Tem Rees opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 03-10. Seconded by Commissioner Graham and carried unanimously 4-0.**

- B. **Ordinance 03-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO ZONING BY AMENDING ARTICLE III, NONCONFORMING USES; PROVIDING FOR PURPOSE AND INTENT, APPLICABILITY, DEFINITIONS, CONDITIONS FOR CONTINUATION OF NONCONFORMITIES, VACANT LAWFUL NONCONFORMING COMMERCIAL, INDUSTRIAL, OR MULTI-FAMILY PARCELS, EXISTING LAWFUL NONCONFORMING COMMERCIAL, INDUSTRIAL, OR MULTI-FAMILY BUILDINGS AND ACCESSORY STRUCTURES, EXISTING LAWFUL NONCONFORMING SINGLE-FAMILY DWELLINGS AND ITS ACCESSORY STRUCTURES, EXISTING LAWFUL NONCONFORMING USES, INVENTORIES AND CERTIFICATES OF NONCONFORMITY, VARIANCES AND SPECIAL EXCEPTIONS, CONSTRUCTION BEGINNING PRIOR TO EFFECTIVE DATE OF ORDINANCE, UNSAFE BUILDINGS OR STRUCTURES, VOLUNTARY ANNEXATION, CHANGE IN TITLE OR POSSESSION, EMINENT DOMAIN AND CONDEMNATION, INVOLUNTARY ANNEXATIONS AND REZONINGS INITIATED BY THE CITY, SAVINGS CLAUSE AND NON-EXCLUSIVITY; ALSO PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE**

City Attorney Everett read Ordinance 03-17 by title only. Mayor Pro Tem Rees opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Harriman to adopt Ordinance 03-17. Seconded by Commissioner Dixon and carried unanimously 4-0.**

5. **REGULAR BUSINESS**

A. **Establishing the tentative Millage Rate for Fiscal Year 2003/04**

City Manager Holden stated that he has provided the details regarding his recommendation to maintain the existing millage rate for the next budget year in their agenda packages. Mr. Holden stated that pension costs will increase by \$479,649 due to poor economic conditions, which all municipalities are experiencing. On the positive side is the fact that Winter Garden is in a growth phase and in good financial condition. Departments have been instructed to hold their operational expenses to the same level as last year. There are two remaining budget factors that have not yet been received which relate to insurance, which is being budgeted at a 20 percent increase for health insurance and a 30 percent increase for all other insurance. Commissioner Graham asked that the advertisement for this year be worded the same as last year. **Motion by Commissioner Harriman to retain the Millage Rate of 4.304 for Fiscal Year 2003/04. Seconded by Commissioner Dixon and carried unanimously 4-0.**

Dispense as the City Commission and convene as the Community Redevelopment Agency (CRA) at 6:47 p.m.

Members Present: Acting Chairman John Rees; Agency Members Theo Graham, John Harriman, Mildred Dixon, and Larry Cappleman

Members Absent: Jack Quesinberry and Teresa Jacobs

A. **Recommendation to approve a Joint Participation Agreement with the State Department of Transportation for constructing a westbound left turn lane and rebuilding the traffic signal at Dillard and Plant Streets**

Assistant to the City Manager Robertson stated that the agreement includes funding by the State in the amount of \$147,000. Acting Chairman Rees asked how much the project will cost and if it can be completed by June 1, 2005. Mr. Robertson stated the project cost is approximately \$350,000 and it will be completed. **Motion by Agency Member Cappleman to approve the Joint Participation Agreement with the State Department of Transportation for constructing a westbound left turn lane and rebuilding the traffic signal at Dillard and Plant Streets. Seconded by Agency Member Graham and carried unanimously 5-0.**

Adjourn as the Community Redevelopment Agency and reconvene as the City Commission at 6:51 p.m.

4. **MATTERS OF CONCERN FROM CITIZENS:**

Ms. Charlie Mae Wilder, 1007 Stucki Terrace and 55 Center Street, Winter Garden read a letter regarding Midnight Basketball of Central Florida which is a prevention program begun in 1991 by the Center for Drug Free Living in Orlando to provide youth with positive alternatives. The yearly cost to run the program is \$15,000. Orange County Community Action and Center for Drug Free Living have each contributed \$5,000 to the program, which leaves a \$5,000 deficit and therefore needs assistance from the City. Commissioner Dixon spoke in support of this request and stated she will be addressing additional improvements with Orange County Commissioner Jacobs. City Manager Holden stated that he has had discussions with the Boys and Girls Club to make improvements to the center, but he needs more information and if it is something the City can help with, he will recommend it as part of the budget. Commissioner Dixon stated that it is her understanding that the Boys and Girls Club is negotiating a 30 to 40 year lease with the County. There are five acres behind the building they could improve and use, but the front building and ball field are to be used by the community. She has requested that County Commissioner Jacobs conduct a town meeting at the Maxey Center on August 7th to find out about the future plans. Mayor Pro Tem Rees stated that the request for donation will need to be submitted.

6. **MATTERS FROM CITY ATTORNEY DYKES EVERETT:** None

7. **MATTERS FROM CITY MANAGER HOLLIS HOLDEN:**

A. **Designation of a Voting Delegate for the Florida League of Cities Conference**

City Manager Holden stated that this item was tabled from the June 26, 2003 meeting to allow Commissioner Dixon to be present. Commissioner Dixon indicated she would like to attend. **Motion by Commissioner Harriman to appoint Commissioner Dixon as the voting delegate for the Florida League of Cities 2003 Conference. Seconded by Commissioner Graham and carried unanimously 4-0.**

- Advised that Victoria Ward, Human Resources Director, was involved in an accident whereby she was walking and a vehicle hit her. She is doing better and he asked everyone to keep her in their thoughts.
- Stated that he has authorized the new Publix store to have a small free event for children on July 12, 2003, from 10 a.m. until 5 p.m.
- Stated that in past years, the County has consistently held their budget public hearings on the same night as Winter Garden's, therefore, he suggested changing the regular September meetings from the second

and fourth Thursday at 6:30 p.m. to the first and third Wednesdays (September 3 and 17) at 6:00 p.m., before the regular meeting and to conduct the budget workshop on August 14th at 6:30 p.m. *It was the consensus of the City Commission to schedule the budget hearings prior to the rescheduled City Commission meetings as recommended.*

- Provided the City Commission with a list of the schools that the Oakland Charter School will be comprised of when it opens at capacity with 651 students. In summary, they will have 570 from Orange County schools and 81 from Lake County schools.
- Reported that he has been in contact with the Orlando Sentinel regarding two cases in the last month whereby they have portrayed Winter Garden's growth and tax base incorrectly. The values have increased by roughly \$168 million and the vacant land that has been annexed was valued at \$400,000. Today's article states that in the last two years, Winter Garden was the fastest growing city in State of Florida. The Sentinel tried to say it was because we annexed Stoneybrook subdivision, when in fact it has been due to developing properties. He has called the reporter to give him the accurate information, which they will be printing as a correction to the original article.
- Stated that Commissioner Dixon has indicated an interest in attending the National League of Cities Conference in Nashville, Tennessee in December and asked if she still wanted to attend and whether the City Commission wanted to make the expenditure from their travel funds. *There were no objections noted to Commissioner Dixon's request.*

8. MATTERS FROM MAYOR PRO TEM AND COMMISSIONERS

Commissioner Graham:

Stated that he received a complaint from a resident about a palm tree that is blocking the walkway at the southwest corner of 9th and Story Road. City Manager Holden stated it would be trimmed.

The meeting was adjourned at 7:15 p.m.